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THE EVOLUTION OF PUBLIC EDUCATION IN VIRGINIA

I. COLONIAL THEORY AND PRACTICE

Three very distinct periods, corresponding to as many different periods in our social and economic development, characterize educational history and growth in the United States. The first is that of the transplanting of European institutions, traditions, and customs to American soil, from the first settlement to the middle of the eighteenth century or a little later, when political, social, and economic conditions in the mother country affected the colonies. The second period is one of attempted modification or adoption in an effort to meet the new demands of a new and radically different environment, and extends from about the middle of the eighteenth century to about the fourth decade of the nineteenth century. The third is the period of the building up here of a system of education, distinctively American, which should meet the new conditions into which the nation had come, and extends from the thirties to near the close of the nineteenth century. A brief description of each will make somewhat clearer these periods or divisions in our educational history.

Generally speaking, the first period of our educational growth is marked by a purely religious conception. Educational conditions in Europe at the time America was settled and during the period of colonial government are a necessary background for any adequate understanding of educational custom and practice here during the first period. Most of the settlements in this country were made when the reformation movement was at a most crucial point, and when the religious element was most prominent in educational matters. Educational questions were receiving more attention in Europe than they had ever received ; education and schooling were given a peculiar emphasis and importance by the reformation condition. In the American colonies, therefore, education became intimately connected with religion and the church. It was controlled by the church in Pennsylvania and New York ; elementary education for the more prosperous classes was carried on by the private tutorial system

in Virginia and the southern colonies, and for the lower classes by the apprenticeship and poor laws, which, though not naming schools as distinct institutions, yet involved the education of the less fortunate people; and there was a certain governmental activity in educational matters in Massachusetts and New England which showed a Puritan adaptation of some of the English laws and customs.

In the second period educational theory and practice are the result of effort at adjustment to new conditions. Extending from about 1750, or somewhat later, to the period of Jacksonian democracy, this period in our educational growth is marked by a certain mixture of aristocratic ideals and increasing democratic notions. It is a period of rapid economic growth and development. As early as 1763, at the close of the Seven Years' War, fear of French hostilities had been removed from the English colonists, who were then left free to devote their efforts unrestricted to material expansion. From this time forward they were eager to expand; and after the Revolution, when all colonial restrictions were removed, an unprecedented stimulus was given to economic and industrial development. Along with this struggle for commercial and economic independence went also another change, more specifically educational, which concerns us here. It was during this time that elementary schools of a private or quasi-private character, church and town schools began to disappear and the so-called "district school," which is distinctively an American product, began to assume their place.

The third period extends from the thirties to near the end of the nineteenth century. It is characterized by the gradual separation of public education from ecclesiastical control; by the gradual development of the ideal of local control; and by what is probably even more noticeable, a gradual but sure growth toward the ideal of democracy. During this time public schools passed over to the state, and there appeared a tendency, which has gradually increased, toward state control; the old academies rapidly changed into public high schools, colleges became largely non-sectarian, and state universities were organized and developed. It is during this period, also, that we find a more general expansion in state constitutional provisions

for education than previously existed, which was one result of the development of the democratic theory of government. Specific and definite language was substituted for general educational terms in the constitutions. There was also an extension of the franchise and an increase in the number of elective officers. Faith in the power of the people was developing. It was during this general period that we find the establishment of the first normal school, the creation of the first state board of education and the office of the first superintendent of public instruction, the maintenance of the first teachers' institutes, and the establishment of the first school libraries. Everywhere there was a new impetus to educational thought and practice.

Just as our modern public school system, which has grown from development in the second and third periods, cannot be adequately understood except in the light of our colonial conditions, so also must colonial custom and practice be explained in view of European antecedents. This is true of educational conditions in all the English colonies, and particularly so in Virginia, whose general mental attitude toward education in colonial days was much like that of the mother country. The English spirit in the educational legislation of that country is everywhere pronounced. The dominating influences were here, as in England, especially aristocratic, and there was a noticeable tardiness and indifference to so-called popular education. In actual practice we find the tutor or the small school, or, as in not a few cases, education in England, the rule for the well-to-do; and the lower classes were cared for educationally only through poor relief and apprenticeship laws after the manner of the mother country. Most of the legislation on the subject of education in Virginia, for example, even as late as the beginning of the national period, had to do with William and Mary College or with the care of poor orphans and children whose parents were unable to bring them up in "proper courses." It is the legislation dealing with the latter class which is pertinent to the present subject.

This legislation in the colony of Virginia not only had its foundations in similar legislation in England, but in many cases it was an almost direct taking over, certainly an adaptation, of

the principles found in the famous series of poor relief and apprenticeship enactments which developed in England during the second half of the sixteenth century.¹ Legislation of this kind seemed necessary in order to take care of the gradually increasing dependent class, a group made up of journeymen, apprentices, vagrants, "thieves and sturdy beggars," whose wages, employment, or migration was in almost every case determined by some one of the upper classes of English population. Caring for this dependent element was an immense task. The suppression of English monasteries by Henry VIII and Edward VI on the alleged ground of negligence and certain forms of irreligion and immorality, destroyed many facilities and important agencies for poor relief and elementary education.² Elizabeth undertook to make amends for these acts of destruction to monasteries and guilds, by a series of famous poor relief and apprenticeship laws which culminated in the oft-cited law of 1601,³ which remained in force in England until the early part of the nineteenth century.⁴ The execution and enforcement of these acts, however, were put into the hands of local justices of the peace, who were country gentlemen. It should perhaps be noted at this point that many of the early colonists were of this class and were trained in the interpretation and administration of these laws. Evidence of this can be found in Virginia and in the New England colonies.

¹"Be it therefore enacted by the authoritie of this Grand Assembly, according to the aforesayd laudable custom in the Kingdom of England" is now and then a part of the preamble to some of the early Virginia acts.

²Leach, *English Schools at the Reformation*. It is said that as many as 1,000 foundations were destroyed,—about ten million dollars in the present valuation. By the law of 1536 (27 Henry VIII, c. 28) all monasteries were to be "given to the King, which have not lands above 200£ by the year." By the law of 1546 (37 Henry VIII, c. 4) "all colleges, chantries, free chapels, etc., shall be in the King's Majesty's disposition." By the law of 1547 (1 Edward VI, c. 14) the statute of 37 Henry VIII was somewhat revised and reenacted. (See *English Statutes at Large*, Vols. 4 and 5.)

³43 Elizabeth, c. 2; *Statutes at Large*, Vol. 7, pp. 30-37. This is the real statutory foundation of the poor law system.

⁴An illuminating discussion of the English system of poor and apprenticeship laws may be had in Sir George Nicholls, *A History of the English Poor Law*.

By this law of 1601 the church wardens of every parish, and two, three, or four "substantial householders there," depending on the size of the parish, were to be nominated annually, at Easter or one month thereafter, by the justice of the peace, to be called "overseers of the poor." These officers were to give attention to "setting to work the children of all such whose parents shall not be thought able to maintain their children, and also to raise weekly or otherwise (by taxation of every inhabitant, parson, vicar, and other, and of every occupier of lands, houses, tithes impropriate, propriations of tithes, coal mines, or saleable underwoods in the said parish, in such competent sum or sums of money as they shall see fit) a convenient stock of flax, hemp, wool, thread, iron and other necessary ware and stuff, to set the poor to work: and also competent sums of money for putting out of such children to be apprentices, to be gathered out of the same parish, according to the ability of the same parish. . . ."

These overseers were to meet monthly on Sunday afternoon, "after divine service," "to consider some good course to be taken." They were to give a true and perfect account of all moneys received by them, or of all stock, and of "all the things concerning their said office." A penalty of twenty shillings was prescribed for every case of negligence or default on the part of the overseers, and imprisonment was prescribed for the overseers who refused "to account." Whenever the justices of the peace found that the inhabitants of any parish were unable to relieve their poor, the justices were to "tax, rate, and assess as aforesaid," any other parishes in "the hundred where the said parish is." In case the hundred was not regarded as able to bear the tax, the justices at their quarter sessions were to rate and assess other parishes "within the said county" for the purpose of the law. Those persons who refused to pay their assessment saw their property sold for the rate.

Other duties of the church wardens and overseers of the poor were to bind as apprentices the children affected by this act, the males until they were twenty-four years of age, and the females until they were twenty-one or until the time of their marriage; and to have houses built on "any waste or common" in the

parish at the "general charges of the parish" as habitations for the poor. Powers similar to those given to justices of the peace were given to officers of towns and corporations. Justices in the county and officers in the towns, who failed regularly to nominate the overseers of the poor "shall lose and forfeit for every such default five pounds. . . ."

One of the first pieces of Virginia colonial legislation which has a public educational⁵ aspect was passed in March, 1643:⁶

"And all overseers and guardians of such orphans are enjoyned by the authoritie aforesaid [county courts] to educate and instruct them according to their best endeavors in Christian religion and in rudiments of learning and to provide for them necessities according to the competence of their estates. . . ."

Three years later we find further legislation which has a very vital educational significance. It shows, too, how, in spite of a difference in local conditions, legislation and custom in the mother country were transplanted in the colony. Note the following act, passed in October, 1646:⁷

"Whereas sundry laws and statutes by act of parliament established, have with great wisdom ordained, for the better educating of youth in honest and profitable trades and manufactures, as also to avoyd sloath and idlenese wherewith such young children are easily corrupted, as also for reliefe of such parents whose poverty extends not to give them breeding, That the justices of the peace should at their discretion, bind out children to tradesmen or husbandmen to be brought up in some good and lawfull calling, and whereas God Almighty, among many his other blessings, hath vouchsafed increase of children to this colony, who now are multiplied to a considerable number, who if instructed in good and lawfull trades would very much improve the honor and reputation of the country, and noe less their own good and their parents comfort: But forasmuch as for the most part the parents, either through fond indulgence or perverse ob-

⁵A fairly creditable compilation of Virginia laws on education during colonial days is found in Clews, *Educational Legislation and Administration of Colonial Government*. New York, 1899.

⁶18 Charles I, Hening, *Statutes*, Vol. 1, p. 261.

⁷21 Charles I, Hening, *Statutes*, Vol. 1, pp. 336-337.

stinacy, are most adverse, and unwilling to parte with their children, Be it therefore inacted by the authoritie of this Grand Assembly, according to the aforesayd laudable custom in the Kingdom of England, that the commissioners of the several counties respectively do, at their discretion, make choice of two children in each county of the age of eight or seaven years at the least, either male or female, which are to be sent up to James City between this and June next to be employed in public flax houses under such master and mistresse as shall be there appointed, in carding, knitting, and spinning, &c., and that the said children be furnished from the said county with sixe barrells of corne, two coverletts, or one rugg and one blankett: one bed, one wooden bowle, or tray, two pewter spoones, one sow shote of six months old, two laying hens, with convenient apparell both linen and woollen, with hose and shoes. . . ."

As provision for housing these children it was ordered that two houses be erected, and the governor and assembly agreed "for the sume of 10000 lb. of tob'o . . . to build and finish the said houses in manner and form before expressed." The act required the commissioners to be cautious so as "not to take up any children but from such parents who by reason of their poverty are disabled to maintaine and educate them."

This seems to be about the first legislation in the colony on the subject of the poor. How extensively or effectively the law was executed there the documents and material accessible do not indicate. But this remained the law dealing with the general control of the poor population for a little more than a quarter of a century. The next important enactment on the subject was in September, 1672.

In that year, the justices of the peace were ordered⁸ to "put the lawes of England against vagrant, idle, and desolute persons in strict execution, and the respective county courts shall, and hereby are empowered and authorized to place out all children, whose parents are not able to bring them up, apprentices to tradesmen, the males till one and twenty years of age, and the females to other necessary imployments, till eightene years of age, and noe longer, and the churchwardens of every parish shall

⁸ 24 Charles II, Hening, *Statutes*, Vol. 2, p. 298.

be strictly enjoined by the courts to give them an account annually at their orphans court of all such children within their parish as they judge to be within the said capacity."

By this act the churchwardens were entrusted with the important work in the various communities, and they retained this as a part of their duties and powers for more than a hundred years. Beginning with 1780,⁹ however, the power of providing for the poor was gradually transferred, first in a few counties and later in others,¹⁰ from the vestries to five freeholders resident in each county, elected to serve three years. These officers became known as "overseers of the poor."

The law dealing with poor children and providing for their bringing up was gradually elaborated. By act of October, 1705,¹¹ it was ordered that when the estate of any orphan was so small "that no person will maintain him for the profits thereof, then such orphan shall be bound apprentice to some handicraft trade, or mariner, until he shall attain to the age of one and twenty. And the master of each such orphan shall be obliged to teach him to read and write: and at the expiration of his servitude, to pay and allow him in like manner as is appointed for servants, by indenture or custom."

In this and subsequent legislation the relation between the poor and apprenticeship laws and formal education begins to reveal itself. The slow but sure evolution of a literary education is seen in this state all the way through the enactments of legislation providing homes and training for some occupation for poor orphans and children whose parents were unable to give them a "bringing up in proper courses," down to the passage of the significant law of 1796, described below, the creation of the famous literary fund in 1810, and subsequent educational acts. The law of October, 1705, is especially significant in its use of the phrase "obliged to teach him [apprenticed orphan or other poor child] to read and write." Merely to teach such an orphan or poor child a trade or art is from this time not regarded

⁹ Hening, *Statutes*, Vol. 10, Chapter 22.

¹⁰ *Ibid.*, Vol. 11, Chapter 36.

¹¹ 4 Anne, Hening, *Statutes*, Vol. 3, p. 375.

as the only duty the master owes his apprentice; mere maintenance by the master is not regarded as sufficient; but there must be some consideration of formal instruction, however meager such instruction might be. A growing consciousness on the subject is apparent.

In February, 1727,¹² it became lawful for the parish churchwardens, upon certificate from the court, to bind out and put into service as apprentices the child or children of parents who were incapable of taking "due care" of the education and instruction in Christian principles of such child or children. Such a child or children were to be apprenticed for such a term, "and under such covenants, as hath been usual and customary, or [as] the law directs in the case of the orphan children." The paternalistic character of apprenticeship legislation which formerly seems to have applied especially to poor orphans is now evident in laws dealing with the children of poor parents; and there is evidence of a growing tendency to regard such children as belonging to the church or to the state and of being entitled, by reason of such relationship, to such training and instruction as would enable them to maintain themselves on reaching maturity.

By act of August, 1736,¹³ all apprentices were compelled to serve out their binding because "the taking of apprentices, and bringing them up, and instructing them to be skilful in the trades, arts, misteries, or occupations, to which they are bound, will be very beneficial to such apprentices, and increase the number of artificers in the colony. . . ."

The following enactment near the middle of the eighteenth century,¹⁴ is of considerable educational importance. Whenever the profits of an orphan's estate were insufficient to maintain him, such orphan was to be bound apprentice, "every male to some tradesman, merchant, mariner, or other person approved by the court, until he shall attain the age of one and twenty years, and every female to some suitable trade or employment, 'till her age of eighteen years; and the master or mistress of every

¹² 1 George II, Hening, *Statutes*, Vol. 4, p. 212.

¹³ 10 George II, Hening, *Statutes*, Vol. 4, p. 482.

¹⁴ October, 1748. 22 George II, Hening, *Statutes*, Vol. 5, pp. 449 ff.

servant, shall find and provide for him or her, diet, clothes, lodgings, and accommodations fit and necessary, and shall teach, or cause him or her to be taught to read and write, and at the expiration of his or her apprenticeship, shall pay every such servant, the like allowance as is by law appointed for servants by indenture or custom. . . ."

In the same year, 1748, an act dealing with the poor and apprenticeship system was passed¹⁵ which has further educational significance. This law was intended to prevent the "evil consequences attending the neglect or inability of poor people to bring up their children in an honest or orderly course of life." Persons adjudged by the court as incapable of supporting and bringing up their children in "honest courses," or, wherever the education and instruction of such children in the principles of Christian religion were neglected by their parents, the churchwardens were given further power of binding out such children as apprentices, "under such covenants and conditions as the law directs for poor orphan children." The passage of this law implies that there had been neglect at a very vital point in the matter of better controlling the conditions of the poor population of the colony. The law was to go into effect June 10, 1751. By the same act churchwardens of a parish to which poor persons belonged were compelled to receive and provide for such poor on penalty of forfeiting twenty pounds current money. This provision is very significant in the light of a subsequent law, passed May, 1780, described below, in which it was stated that great inconveniences had arisen "from the mode prescribed for making provision for the poor and other duties of the vestries."¹⁶

The duties and responsibilities of the churchwardens and parish vestries in the matter of providing for the poor also gradually increased. By act of May, 1755,¹⁷ the churchwardens were required to keep a register of all the poor in their parish, and were given power to send certain of the poor to "poor houses." By this same act the poor or unfortunate were required to wear

¹⁵ 22 George II, Hening, *Statutes*, Vol. 6, p. 32.

¹⁶ Hening, *Statutes*, Vol. 10.

¹⁷ 22 George II, Hening, *Statutes*, Vol. 6, p. 475.

a badge upon the shoulder of their right sleeve "of his or her uppermost garment, in an open and visible manner." In the same act the vestries were given the power to build poor houses where the poor were to be sent and worked in "cotton, hemp and flax or other necessary materials, implements or things, for setting the said poor to work," to help maintain themselves. Moreover, an allowance was to be levied in the regular parish levies "for the education of such poor children as shall be placed in the said house or houses, until they shall be bound out according to law." This is another example of the direct transplanting to the colony of an English custom. The similarity between this law and the law of 1601, described above, is at once noticeable.¹⁸

By an act of November, 1769,¹⁹ children born out of lawful matrimony were, like other unfortunate children, to be bound apprentices by the churchwardens of the parish, males until they were twenty-one years of age, and females until they were eighteen, "and the master or mistress . . . shall teach, or cause him or her to be taught to read and write."

Between 1769 and 1778 there is little or no legislation of an important nature dealing with the subject of the poor and apprentices. The danger through which the colony was at this time passing along with the other English colonies in America, and the final break with the mother country, may, in the main, account for noticeably sparse enactments providing for the poor. But poor and apprenticeship legislation had been built up and elaborated sufficiently in detail to take care of that dependent class to which the colony had actively given attention. By the general law on the subject all poor orphans, children of poor parents, and illegitimate children were alike entitled to be bound by legally authorized local bodies to a master or mistress, to serve for a term of years, during which time they were to be maintained, trained in an art, industry or trade, and taught to read and write. When the term of service was ended, the

¹⁸ 43 Elizabeth, Chapter 2. (See Monroe, *Cyclopedia of Education*, Vol. 5, Article, "Poor Laws and Education.")

¹⁹ 10 George III, Hening *Statutes*, Vol. 8, p. 376.

apprentice usually found a career open to him for which he had been trained. However great are the obvious weaknesses of such a system, its value in a time such as the eighteenth century and in a colony like Virginia cannot be questioned. It is unfortunate that materials and documents are not more readily accessible by which a fair and reliable notion of the actual operation of these laws could be gained. It is even more unfortunate that the colony did not inherit from the mother country a better educational tradition and custom.

The conception of educational control seems to change somewhat earlier than one would expect. In October, 1778, "for want of a vestry in the parish of Botetourt, in the county of Botetourt, the poor . . . are likely to suffer for want of proper support and maintenance," the commissioners of the county were empowered to levy a tax to take care of the poor.²¹ The educational significance of this law will later appear; it seems to be the beginning of an actual transfer of powers and duties of dealing with the poor, from churchwardens, vestries, or other church authorities to state or county authorities. But this transfer gradually occurs and from it grows the idea, which soon expresses itself, that caring for and "educating" the poor is a state rather than an ecclesiastical function. Two years later, in 1780, it was noticed that previous provisions for taking care of the poor were inadequate, and the following law was intended as a remedy:²²

"Whereas great inconveniences have arisen from the mode prescribed for making provision for the poor and other duties of the vestries" [in the counties of Rockbridge, Botetourt, Montgomery, Washington, Greenbrier, Augusta, and Frederick], "Be it enacted by the general assembly, That where any of the above enumerated counties have vestries, or other bodies vested with powers to provide for the poor, the same are hereby dissolved. And for providing for the poor, and such other parochial duties as have hitherto been exercised by the vestries, churchwardens or other bodies of the respective parishes, Be it enacted" [that five freeholders resident in each county be elected overseers of the poor, to serve for three years].

²¹ Hening, *Statutes*, Vol. 9, p. 527.

²² Laws of May, 1780, Chapter 22. Hening, *Statutes*, Vol. 10.

By this law, these men were to be a body politic and corporate and succeed to the powers and duties of the vestries and churchwardens. Two years later, by act of May, 1782,²³ this same provision for the poor was extended to the counties of Shenandoah, Henry, Monongalia, Ohio, and Berkeley, which appeared to be "subject to the same inconveniences experienced in aforesaid counties before the said act²⁴ was passed: For remedy whereof, Be it enacted, That. . . ." [any vestries or other bodies which were vested with powers to make provision for the poor, be dissolved].

Like many laws of a general character of this time, the above enactments failed somewhat of their purpose, and in October, 1784,²⁵ it became necessary to pass an additional act on the subject, or to amend previous legislation dealing with provision for the poor. It was represented "that in many counties in the commonwealth the sheriffs have neglected to hold elections of overseers of the poor at the time directed by the act for dissolving several vestries, . . . and it is doubtful whether such elections can be made at any other time within three years, . . . Be it enacted, That the sheriffs . . . shall proceed to elect overseers of the poor in like manner as is directed in the said recited act."

Frequent and repeated legislation on the subject of the poor indicated earnestness in making adequate provision for this neglected and unfortunate class. In October, 1785,²⁶ another poor law was passed by which the various counties were to be districted, "three discreet, fit, and proper persons" were to be elected overseers of the poor, to serve for three years, and to meet at stated times "to levy and assess upon the tithables . . . competent sums of money, or tobacco in lieu thereof at a stated price, to be paid at the option of the party chargeable therewith, for the necessary relief and support of all such poor . . . as are not able to maintain themselves." The overseers were, in the same manner as described in previous laws on the subject, to make monthly returns of the poor orphans to the various

²³ Laws of May, 1782, Chapter 36. Hening, *Statutes*, Vol. II.

²⁴ Of May, 1780.

²⁵ Laws of October, 1784, Chapter 6. Hening, *Statutes*, Vol. II.

²⁶ Laws of October, 1785, Chapter 4. Hening, *Statutes*, Vol. II.

county courts. These poor orphans were to be bound out apprentices by the overseers, on the authority and by the direction of the courts. By this same act all powers and authority given to churchwardens, by a previous act,²⁷ in regard to the binding of illegitimate children apprentices, were now transferred to the overseers of the poor, "who shall perform the same duties as by that act are required to be performed by a churchwarden"; and these overseers of the poor were to have the same powers and were required to perform the same duties which had formerly been prescribed for the various vestries, under the direction and by the authority of the various county courts.

Legislation providing for the relief of the poor, which indeed would by this time appear to be sufficient for conditions as they existed in Virginia, were yet inadequate. In October, 1786, former legislation on the subject was revised and amended so as more nearly to meet the needs of the poor of the state. It was pointed out that in not a few communities no overseers of the poor had been elected, and this unfortunate class was suffering as a consequence. In revising and amending legislation that existed at the time, practically all provisions of the legislation were reviewed: the manner of electing the overseers, of filling vacancies, of making levies and assessments, and of the various duties of the overseers.²⁸

It is in this amended act that a provision of more particular educational interest appears :—

"Be it further enacted, that the overseers of the poor in each district, shall monthly make returns to the court of their county, of the orphans in their district, and of such children within the same, whose parents they shall judge incapable of supporting and bringing them up in honest courses. And the said court is hereby authorized to direct the said overseers, or either of them, to bind out such poor orphans and children apprentices to such person or persons as the court shall approve of, until the age of twenty-one years, if a boy, or eighteen years, if a girl. The indentures of such apprentices shall contain proper covenants to oblige the person to whom they shall be bound, to teach them some art, trade,

²⁷ Act of November, 1769. 10 George III, Hening, *Statutes*, Vol. 8.

²⁸ Laws of October, 1786. Hening, *Statutes*, Vol. 12.

or business, to be particularized in the indentures, as also reading and writing, and, if a boy, common arithmetic, including the rule to three, and to pay to him or her, as the case may be, three pounds and ten shillings at the expiration of the time of service."

In less than a year further legislation seemed necessary to provide for poor orphans and children whose parents were unable to "bring them up in honest courses." A weakness characteristic of much of the legislation of the time appears: the difficulty was not so much in passing but in executing laws. The following law of December 31, 1787,²⁹ is very suggestive:—

"Whereas the laws heretofore made for providing for the poor have in some instances proved difficult and burthensome in their execution, and in others inadequate to the purpose; For remedy thereof, Be it enacted by the general assembly. . . ."

The act continues and provides for limiting the districts for electing overseers of the poor; again defines the detailed duties of the overseers; names the time of their meetings; prescribes the manner of collecting the "poor rates" by the collectors and their deputies; allows a fee of six shillings to each overseer for every day he attends the annual meetings of the overseers; and names the same amount as a penalty for non-attendance. By the same act the corporation courts of the several corporate towns in the state were empowered and required to provide for and maintain the poor within their own limits "separately and distinctly from the poor of the county."

Few, if any, important changes appear in poor apprenticeship legislation from 1787 to 1791. On December 15³⁰ of that year the laws on these subjects were so amended as to provide remedies against any overseer of the poor who withheld any poor rates which had come into his hands, and by the same law all poor rates were to be levied in specie.

The following year another slight change was made in the laws. By act of December 11, 1792, poor orphans and children whose parents were incapable of properly providing for them were to be

²⁹ Hening, *Statutes*, Vol. 12, pp. 573 ff.

³⁰ Hening, *Statutes*, Vol. 13, p. 262.

bound as before "to some master or mistress, who shall covenant to teach the apprentice some art, trade, or business, to be particularized in the indenture, as also reading and writing, and if a boy, common arithmetic, including the rule to three, and to pay him or her twelve dollars at the expiration of the time."³¹ The law of December 26, 1792, "an act providing for the poor and declaring who shall be deemed vagrants," was something of a summary of previous laws on the subject of the poor and apprenticeship. By this law children born out of lawful marriage continued subject to the same law of binding out and apprenticing as orphans and poor children.

From the foregoing description of the gradual growth of laws on the subject of the poor and apprenticeship custom, which contain practically everything that even remotely suggests a system of formal intellectual training, it may be seen that there is nothing in this legislation of Virginia which shows even the genesis of a free public school system. And this is not unexpected. The more prosperous settlers of Virginia early accustomed themselves to the habit of tutorial instruction for their children or of having them educated in Europe; and the less fortunate part of the population was left uncared for educationally, except in the manner described in the preceding pages. This remained the condition for several years after the organization of the state in 1776. The constitution,³² adopted June 29 of that year, was silent on the subject of schools, and remained silent until 1851; though Thomas Jefferson early conceived a system of education for all the people of the state, and, it is said, favored the emancipation and education of the negro.³³ As early as 1779 he had mapped out a bill which provided for giving free elementary instruction to all the free children of the state, in reading, writing, and arithmetic. In spite of its excellence, however, this plan was not well received and it was therefore naturally defeated.

³¹ Statutes at large, 1792, Chap. 33.

³² This constitution was not submitted to the people for ratification.

³³ See Jefferson's *Notes on Virginia*; *Rept. Com. Edu.*, 1895-1896, Vol. 1, p. 269; *Ibid.*, 1899-1900, Vol. 1, p. 431; Adams, *Thomas Jefferson and the University of Virginia*; Circular of Information, I, 1888, U. S. Bureau of Education.

To understand and appreciate the popular mental attitude, reflected in the poor law policy, to the class of dependants intrusted to its care, it is necessary to consider that education is a term which has had and which yet has a very varying meaning to different persons at different times. The term now generally means an expansion of the mental faculties through a specific organized course of a more or less literary nature. For the more prosperous part of society a "certain tincture of letters" has, in the popular mind, always been regarded absolutely necessary; but for generations and generations this particular form of education has not been held in high esteem for the poorer classes of society. Not a few sporadic, voluntary efforts of a certain limited character were made in Virginia to put education, as we now generally understand the term, in more or less easy reach of those of the poorer classes who would acquire it.³⁴ Yet, the general view was that formal literary education was not essentially requisite to the poor youth of the community, whose parents or guardians appeared indeed more concerned about a practical training of their children or wards in the occupations and crafts through which they were later to maintain themselves, than they were interested in "book-learning."

This seems unquestionably the attitude of public conscience in colonial Virginia,—an attitude which was inherited from English tradition and custom, and which persisted far into the nineteenth century.³⁵ And that its general effect was harmful is hardly now a question: only very perfunctory, mechanical, and indifferent efforts appear to have been made to provide educational facilities for that large class of poor and otherwise unfortunate youth in the colony, who became almost entirely dependent upon the poor law and apprenticeship system. This

³⁴ 18 Charles II, Hening, *Statutes*, 1, p. 252; 13 Charles II, Hening, 2, p. 25; 13 Charles II, Hening, 2, p. 37; 14 Charles II, Hening, 2, p. 56; 13 Charles II, Act XXXV; 5 William and Mary, Hening, 3, p. 123; 4 Anne, Hening, 3, p. 35; Hening, 4, p. 306; Hening, 7, pp. 317-320; William and Mary Quarterly, 6, pp. 72-73; Elizabeth County Records, 1693; Bruce, *Institutional History of Virginia in the Seventeenth Century*, 1, part 2.

³⁵ *Rept. Com. Edu.*, 1899-1900, Vol. 1, p. 434; *Proc. Peabody Board Trustees*, Vol. 2, p. 42. (See also message of Governor Johnson in 1853, in public documents for that year.)

adoption of the current attitude and practice of England not only resulted in a noticeable neglect of formal education of the less prosperous class of youth; but the influence of the system on parents who could, under it, easily discharge their responsibility in interesting themselves in a training of their youth which would guarantee them a hopeful start in life, was naturally harmful and vicious.

Inadequate classification of the poor and dependent, the harmful effect of the system of public maintenance, which could never be anything like an adequate substitution for even the rudest home, and the general baneful influence on a class which really needed stimulation to effort, are some of the obvious serious weaknesses of such a system as operated in Virginia for nearly two centuries. Public opinion on the subject of education shows a rapidly maturing tendency, however, in the nineteenth century. It is seen in the theory, which begins to find some practical expression in legislation, that the fundamentals of a literary education are immensely more important to the individual units of a successfully organized community, and so to the community itself, than mere economic competency of those units. From this gradually developing public belief, of which our system of free and compulsory elementary education are fruits, the influence of social evolution on educational theory and practice begins to reveal itself. The earliest example of this practical legislation, which is of such vast importance in the educational history of Virginia, is the law of February 2, 1810, creating the Literary Fund, which came to play such an important part in furnishing educational facilities to the youth of the State.

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